

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION AT WORCESTER

MICHAEL DAWE,	:	No. 04-40192-FDS
Plaintiff	:	
	:	
v.	:	
	:	
CAPITAL ONE BANK,	:	
Defendants	:	

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Plaintiff's Notice of Counsel's Vacation

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Plaintiff Michael Dawe gives notice that his attorney will be away on vacation from June 20 through July 22, 2005. Fregeau Aff., par. 2. Mr. Dawe respectfully requests that the Court take this vacation into consideration, e.g. if Defendant's motion to compel is granted and a deadline is imposed for Mr. Dawe's responses. The Court's consideration is greatly appreciated.

Respectfully submitted,

/s/ Jason David Fregeau

Jason David Fregeau,  
Trial Attorney (565657)

47 Lincoln Road  
Longmeadow, MA 01106  
413/567-2461  
413/567-2932 fax

Attorney for Plaintiff

Certificate of Service

I certify that a copy of the foregoing Plaintiff's Notice of Counsel's Vacation has been served electronically upon Defendant's counsel at 47 Church St., Ste 301, Wellesly, MA 02482-6326, this 14th day of June, 2005.

/s/ Jason David Fregeau

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Jason David Fregeau, Esq.

**Affidavit**

State of Massachusetts  
County of Hampden, SS:

Jason David Fregeau, Esq., being first duly sworn upon oath,  
deposes and says:

1. I am making this affidavit based upon personal knowledge, and I am competent to testify in the matters stated below. I am the Trial Attorney for Plaintiff in the matter of Dawe v. Capital One Bank, No. 04-40192-FDS. I have supervision and control of Plaintiff's legal documents and correspondence regarding this lawsuit. This affidavit is made in support of Plaintiff's application for fees, expenses, and costs in the above matter.

2. I will be closing my office and will be away on vacation from June 20 through July 22, 2005. This vacation will be my first multiple week vacation since Summer 2000. I am taking a solo motorcycle trip across country, and will only rarely be in touch with the office. While I have made arrangements for review of communications -- mail, e-mail, and telephone calls -- I will not have temporary counsel capable of addressing substantive issues in my clients' cases.

Further affiant sayeth naught.

Signed under the pains and penalties of perjury on this 14th day of June, 2005.

/s/ Jason David Fregeau

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Jason David Fregeau, Esq.